

ORDINANCE NO. 2003-050

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, PROVIDING FOR THE TEMPORARY SUSPENSION OF BUILDING AND DEVELOPMENT PERMITS IN THE UNINCORPORATED AREA OF PALM BEACH COUNTY AFTER DECLARATION OF THE COUNTY AS A DISASTER AREA OR DECLARATION OF A STATE OF LOCAL EMERGENCY; PROVIDING FOR TITLE; PROVIDING FOR DEFINITIONS; PROVIDING FOR DECLARATION OF SUSPENSION; PROVIDING FOR EFFECTS OF SUSPENSION; PROVIDING FOR SCHEDULE FOR ENDING SUSPENSION; PROVIDING FOR AUTHORITY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 252, Florida Statutes, provides the Board of County Commissioners the authority to declare a state of local emergency and take actions necessary to ensure the safety and well being of its residents, visitors and property during emergencies caused by these hazards; and

WHEREAS, Chapter 125, Florida Statutes, provides the authority for the Board of County Commissioners of Palm Beach County, Florida to adopt ordinances; and

WHEREAS, as a political subdivision of the State of Florida and a Charter County, Palm Beach County has the authority to enact a Post-Disaster Temporary Permit Suspension Ordinance; and

WHEREAS, the Palm Beach County Comprehensive Plan, Objective 2.5 of the Coastal Management Element, provides for the implementation and maintenance of the Post-Disaster Redevelopment Plan; and

WHEREAS, the Palm Beach County Post-Disaster Redevelopment Plan was enacted by the Board of County Commissioners by Resolution No. 96-719; and

WHEREAS, the Palm Beach County area is vulnerable to a variety of natural or man-made hazards which result or may result in emergencies causing substantial injury or harm to the population or substantial damage to or loss of property; and

WHEREAS, the Post-Disaster Redevelopment Plan provides for the suspension of development orders, building permits and review procedures in process at the time of the declaration of emergency; and

WHEREAS, the post-disaster period offers an opportunity to provide a necessary interval, limited in scope and duration, during which the County can better assess storm damage, attempt to coordinate the relief efforts of state and federal agencies, and promote reconstruction in conformity with the Post-Disaster Redevelopment Plan; and

WHEREAS, the Post-Disaster Redevelopment Plan mandates damage assessment; and

WHEREAS, available manpower during the suspension will be utilized for damage assessment and emergency responsibilities.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, THAT:

Section I. TITLE:

This Ordinance is hereby known as the Post-Disaster Temporary Permit Suspension Ordinance.

Section II. DEFINITIONS:

The following words shall have the meaning given herein. Words not defined shall be given their common and ordinary meaning.

Damage is when the cost of repair, replacement or relocation of a structure is 50% or less than its pre-disaster market value.

Emergency repairs are temporary repairs necessary to prevent injury, loss of life, imminent collapse of a structure, or other substantial damage to a structure. Emergency repairs are those necessary to make the site safe and/or prevent further imminent danger and are not intended to be permanently incorporated into the structure. For illustrative purposes only, items that constitute emergency repairs may include temporary roof repairs to avoid further water damage, repairs to walls, and the temporary shoring of a structure to avoid imminent collapse.

Minor damage is when the total cost of repair is less than \$1,000 or in the case of roof repair less than \$500.

Substantial damage is when the cost of repair, replacement or relocation of a structure exceeds 50% of its pre-disaster market value.

Section III. DECLARATION OF SUSPENSION:

1. A Post-Disaster Temporary Permit Suspension shall be in effect upon the occurrence of one or more of the following events:

- a. Palm Beach County is struck by a hurricane or other coastal storm hazards as determined by the National Weather Service and twenty percent or more of the structures in unincorporated Palm Beach County, as determined by the Building Official, are destroyed or substantially damaged by a hurricane or other coastal storm hazards; or

- b. Palm Beach County is declared a disaster area by the President of the United States, a state of emergency applying to Palm Beach County is declared by the Governor, or the Board of County Commissioners declares a state of local emergency.

2. The Suspension shall begin immediately upon the declaration of the disaster area and/or state of emergency for Palm Beach County. The suspension shall apply in the unincorporated area of Palm Beach County and any jurisdiction for which Palm Beach County issues building permits and/or inspections, and shall remain in effect until ended pursuant to the provisions of this ordinance.

Section IV. EFFECTS Of SUSPENSION:

The effects of any suspension shall be as follows:

1. While the suspension is in effect, no development orders or development permits as defined by the Unified Land Development Code of Palm Beach County or the Florida Building Code shall be accepted, processed or issued, no variances shall be approved, and no rezonings or other zoning requests shall be approved.
2. Building permits shall be temporarily suspended and no construction or reconstruction requiring permit approval may be undertaken except for emergency repairs or minor damage repairs.
3. No building inspections shall be conducted.
4. Government entities may apply for building permits for permanent repair of public facilities experiencing damage or which create a threat to the health, safety and welfare of the public.
5. Demolition permits may be issued for substantially damaged structures which are determined by the Building Official to pose an immediate threat to residents if they collapse.

Section V. SCHEDULE FOR ENDING SUSPENSION:

1. Suspension shall be lifted according to the following schedule:
 - a. Thirty days after the Board of County Commissioners lift the local state of emergency, building permits may be applied for all buildings or other facilities that were damaged or substantially damaged.
 - b. Forty Five days after the Board of County Commissioners lift the local state of emergency, previously approved and pending development

orders, permits and review procedures will revert to their pre-disaster status.

- c. In the event that the number of building permits for damaged property are such that building and other permitting processes may proceed, the Executive Director of Planning, Zoning and Building may lift the suspension at any time and prioritize the damage permits while allowing other permits to also be processed as time permits. This shall only occur upon approval of the County Administrator and after written notification to the Chair of the Board of County Commissioners.

2. Upon lifting of suspension, Palm Beach County reserves the right to inspect or reinspect any and all building permit work in place or which occurs in accordance with an existing building permit to verify that the work in place was not damaged during the storm event or emergency. In the event that the County determines that the building permit work in place was damaged during the storm event or emergency, or suspects that damage was incurred, the property owner/permit holder shall be responsible for rework, removal, retesting, and uncovering work to facilitate inspection, so that compliance with the building permit documents and the building code can be ensured.

Section VI. Authority:

Nothing in this Ordinance shall be constructed to limit the authority of the Board of County Commissioners to declare, repeal or extend a state of local emergency or take any action prescribed herein when sitting in regular or special session.

Section VII. REPEAL OF LAWS IN CONFLICT:

All local laws and ordinances in conflict with any provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section VIII. SEVERABILITY:

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of this Ordinance.

Section IX. INCLUSION IN THE CODE OF LAWS AND ORDINANCES:

The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of Palm Beach County, Florida. The sections of this Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section", "article", or other appropriate word.

SECTION X. EFFECTIVE DATE:

The provisions of this Ordinance shall become effective upon filing with the Department of State.

APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach County, Florida, on this 23 day of September, 2003.

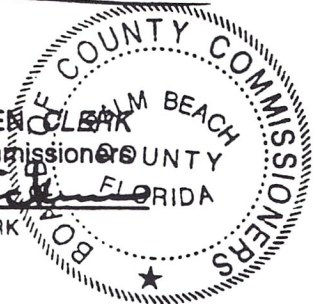
PALM BEACH COUNTY, FLORIDA, BY
ITS BOARD OF COUNTY
COMMISSIONERS

By: [Signature]
for Karen T. Marcus, Chair

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: [Signature]
County Attorney

DOROTHY H. WILKEN, Clerk
Board of County Commissioners
By: [Signature]
DEPUTY CLERK



EFFECTIVE DATE: Filed with the Department of State on the 30 day of September, 2003, at .m.

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Revised 8/20/03

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on September 23, 2003.
DATED at West Palm Beach, FL on 10/20/03.
DOROTHY H. WILKEN, Clerk
By: [Signature] D.C.